

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cr-347-MOC-DCK

UNITED STATES OF AMERICA,

Vs.

TYREE BELK,

Defendant.

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ORDER

THIS MATTER is before the court on defendant's *pro se* Motion for a New Trial by Jurors. (#92). A jury returned a guilty verdict against defendant in this matter on July 19, 2019, and defendant is represented by counsel. On this basis, defendant's motion is dismissed, as the Local Criminal Rules prohibit *pro se* pleadings where defendant is represented by counsel. LCrR 47.1(g); see also U.S. v. Carranza, 645 F. App'x 297, 300 (4th Cir. 2016) ("A criminal defendant has no statutory or constitutional right to proceed *pro se* while simultaneously being represented by counsel" and "[a]ccordingly, the district court was not obligated to consider [the defendant's] *pro se* motions").

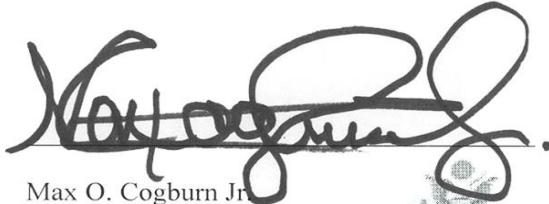
To the extent that defendant asserts that he has filed this motion *pro se* because he has been unable to contact his counsel to instruct his counsel to file the motion on his behalf, this fact does not allow the Court to entertain defendant's motion. If counsel files a belated motion for new trial on defendant's behalf, the Court will certainly entertain any good cause arguments counsel may present to support a belated filing.

Having thus considered defendant's motion, the court issues the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's *pro se* Motion for a New Trial by Jurors (#92) is **DENIED**.

Signed: August 6, 2019



Max O. Cogburn Jr.
United States District Judge